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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,263	06/06/2005	Toshihide Sekido	BAN-05-1080	4698

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IP GROUP OF DLA PIPER LLP (US)  
ONE LIBERTY PLACE  
1650 MARKET ST, SUITE 4900  
PHILADELPHIA, PA 19103

EXAMINER
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SNELTING, ERIN LYNN

ART UNIT	PAPER NUMBER
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1791

NOTIFICATION DATE	DELIVERY MODE
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09/18/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pto.phil@dlapiper.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/530,263	<b>Applicant(s)</b> SEKIDO ET AL.	
	<b>Examiner</b> Erin Snelting	<b>Art Unit</b> 1791	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 August 0209.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16 and 19-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16 and 19-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08-11-2009 has been entered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 16 and 19-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 16 recites the limitation "continuing evacuation of the resin" in 4. There is insufficient antecedent basis for this limitation in the claim, as there is no recitation of starting evacuation of resin.

5. Claim 16 recites the limitation "at least one line of resin injection lines" in lines 15-16. There is insufficient antecedent basis for this limitation in the claim. The prior

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recitation of a resin injection line is in claim 16, line 6, but it is only recited in singular form, not plural ("a resin injection line").

6. Claim 16 recites the limitation "the resin is cured by temperature elevation by heating" in line 18. It is unclear if this limitation is an active, positive step in the claimed process.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 16 and 19-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sewell '478 (US Patent Application Publication 2005/0035478 A1) in view of Kimura '426 (JP 56127426, English language translation previously provided).

10. Regarding claim 16, Sewell '478 teaches:

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- a. forming a reinforcing fiber substrate as a preform having a first fiber volume content, which is a volume of reinforcing fibers in the bulk volume of the reinforcing fiber substrate, ("body 22 having a plurality of fiber plies 24", paragraph [0014]; "A plurality of fiber plies...stacked to form a preform 138", paragraph [0020]) that is lower than a target fiber volume content ("the vacuum applied to the mold cavity 110 forces the bladder 106 against the composite structure and thereby forces the composite structure against the tool surface 104, paragraph [0020]; "By removing excess resin, the above described mold produces composite structures that have a lower resin volume, a lower per ply thickness, and a high fiber volume", paragraph [0020] - wherein, a subsequent removal of excess resin and minimization of ply thickness implies an initial fiber volume content lower than a final ("target") fiber volume content)
- b. placing the reinforcing fiber substrate in a mold ("A plurality of fiber plies...are loaded into the mold cavity 110 and stacked to form a preform 138", paragraph [0020])
- c. providing a resin injection line ("A resin source 120 containing a supply of resin is connected by tubing 122 to the resin inlet 116", paragraph [0018]) and an evacuation line each communicating with an inside of said mold ("a vacuum reservoir 124 is connected by tubing 126 to the vacuum port 118 so the resin source and vacuum reservoir are in fluid communication with the mold cavity 110", paragraph [0018])

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- d. reducing pressure in said mold by evacuation (“The first pump valve 138, the vacuum valve 130, and the inlet valve 128 are opened, and the pump 132 is activated to draw a vacuum at the vacuum port 118”, paragraph [0020])
- e. injecting a resin into said mold (“...introduce resin into the mold cavity 110”, paragraph [0020]) and impregnating the resin into said reinforcing fiber substrate to form an FRP molded material (“As the resin is introduced into the mold cavity 110, the resin infuses in the preform 138 and intersperses between the reinforcing fibers of each ply loaded in the cavity to form the composite structure”, paragraph [0020]) to achieve a fiber volume content lower than the target fiber volume content of said FRP molded material (“the vacuum applied to the mold cavity 110 forces the bladder 106 against the composite structure and thereby forces the composite structure against the tool surface 104, paragraph [0020]; “By removing excess resin, the above described mold produces composite structures that have a lower resin volume, a lower per ply thickness, and a high fiber volume”, paragraph [0020])
- f. stopping injection of the resin (“Once introduction and infusion of resin is complete, the first pump valve 138, the vacuum valve 130, and the inlet valve 128 are closed, and the pump 70 is deactivated, to terminate introduction of resin into the mold cavity 100”, paragraph [0020])
- g. thereafter, continuing evacuation of the resin until reaching said target fiber volume content (“To draw any excess resin away from the composite structure, the first pump valve 138, the second pump valve 142, the vacuum

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valve 130, and the inlet valve 138 are opened, and the pump 132 is activated to pull a vacuum at the resin inlet 116 and the vacuum outlet 118. The vacuum pulled at the inlet 116 and the outlet 118 draws excess resin away from the composite structure through the inlet 116 and outlet 118”, paragraph [0021])

h. after said injection of resin is stopped, at least one line of resin injection lines is changed to an evacuation line (“The vacuum pulled at the inlet 116 and the outlet 118 draws excess resin away from the composite structure through the inlet 116 and outlet 118”, paragraph [0021]), and said evacuation of resin is continued until reaching said target fiber volume content (“Once the composite structure is free of excess resin, it can then be removed from the mold cavity 110 and processed for ultimate use”, paragraph [0021] – wherein the evacuation of excess resin implies a progression from a fiber volume content lower than a target fiber volume content up to the higher target fiber volume content)

i. upon reaching the target fiber volume content, said evacuation of resin is stopped and the resin is cured (“Once the composite structure is free of excess resin, it can then be removed from the mold cavity 110 and processed for ultimate use. In some cases, the composite structure may be cured after being removed from the mold cavity 110”, paragraph [0021] – wherein removal of the material from the mold implies a stopping of evacuation of resin).

Sewell '478 is silent regarding curing the resin *by temperature elevation by heating*. In analogous art of fiber reinforced composite manufacturing, Kimura '426 teaches curing resin by temperature elevation by heating (“the dies are heated for thermosetting,

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forming a fiber reinforced thermosetting resin molding", translation page 6, lines 22-23) for the benefit of bonding the fibers and resin together (see Sewell '478, paragraph [0021]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Sewell '478 by curing the resin by temperature elevation by heating, as taught by Kimura '426, for the benefit of bonding the fibers and resin together.

11. Regarding claim 19, Sewell '478 further teaches said target fiber volume content is in a range of 55 to 65% ("a volume of the plurality of reinforcing fibers comprises at least about sixty percent of a total volume of the composite structure body", paragraph [0007]).

12. Regarding claims 20 and 21, Sewell '478 teaches a first fiber volume content (that is lower than a target fiber volume content) as described for claim 16 above. While Sewell '478 is silent regarding a specific measurement of first fiber volume content, Sewell '478 does teach a target fiber volume content of at least 60% (paragraph [0007]). As such, the first fiber volume content of Sewell '478 must be lower than 60%, which includes the claimed ranges of 45 to 60% and 45 to 55%. It has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined teachings of Sewell '478 and Kimura '426 by optimizing the first fiber volume content for the benefit of ensuring complete impregnation of resin through the substrate ("the resin



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infuses the preform 138 and intersperses between the reinforcing fibers", paragraph [0020]) and achieving the desired target fiber volume content.

13. Regarding claim 22, Sewell '478 teaches that a measurement of thickness of said reinforcing fiber substrate is used to determine fiber volume content ("By removing excess resin, the above described mold produces composite structures that have a lower resin volume, **a lower per ply thickness**, and a high fiber volume", (emphasis added) paragraph [0022]). While Sewell '478 is silent regarding a specific manner in which reaching target fiber volume content is determined, it would have been obvious to one of ordinary skill in the art at the time of the invention that measuring target fiber volume content requires a measurement of volume, wherein thickness is an obvious measurement for calculating volume, as suggested by Sewell '478.

14. Regarding claim 23, Sewell '478 further teaches that an injection amount of resin corresponding to the first fiber volume content is preset as an injection amount preset, and said injection of resin is stopped at the time said injection amount preset is reached ("Once the introduction and infusion of resin is complete, the first pump valve 138, the vacuum valve 130, and the inlet valve 128 are closed, and the pump 70 is deactivated, to terminate introduction of resin into the mold cavity 100", paragraph [0020] - wherein the injection amount preset is the amount of resin needed to complete introduction and infusion).

15. Regarding claim 24, Sewell '478 further teaches that an evacuation amount for reaching said target fiber volume content is preset, relative to an injection amount of resin as an evaluation amount preset and said evacuation of resin is stopped at the time

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said evacuation amount preset is reached (paragraph [0021] - wherein the evaluation amount preset is the amount of resin considered to be excess resin).

16. Regarding claim 25, Sewell '478 teaches reinforcing fiber substrate as described for claim 16 above. Sewell '478 is silent regarding at least one layer of said reinforcing fiber substrate comprising a carbon fiber layer. Kimura '426 teaches at least one layer of a reinforcing fiber substrate comprising a carbon fiber layer (translation page 4, lines 18-20). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Sewell '478 by substituting the carbon fiber layer of Kimura '426 in the reinforcing fiber substrate with a reasonable expectation of success for the predictable result of forming an FRP molded material.

17. Regarding claim 26, Sewell '478 is silent regarding a carbon fiber layer. Kimura '426 teaches carbon fiber layer as described for claim 25 above. Kimura '426 further teaches the carbon fiber layer is formed as a woven fabric (translation page 4, lines 18-21) for the benefit of obtaining desired reinforcing properties of the finished composite, and for optimizing ease of handling of the reinforcing fibers before resin impregnation (as opposed to loose fibers). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined teachings of Sewell '478 and Kimura '426 further with the woven fabric of Kimura '426 for the benefit of obtaining desired reinforcing properties of the finished composite, and for optimizing ease of handling of the reinforcing fibers before resin impregnation.

18. Regarding claim 27, Sewell '478 is silent regarding a woven fabric. Kimura '426 teaches woven fabric as described for claim 26 above. Kimura '426 further teaches

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said woven fabric is formed as a unidirectional woven fabric ("isotropic", translation page 4, lines 18-21) for the benefit of obtaining desired directional reinforcing properties of the finished composite. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined teachings of Sewell '478 and Kimura '426 further with the unidirectional woven fabric of Kimura '426 for the benefit of obtaining desired directional reinforcing properties of the finished composite.

### ***Response to Arguments***

19. Applicant's arguments with respect to all pending claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erin Snelting whose telephone number is (571)272-7169. The examiner can normally be reached on Monday to Friday 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on (571)272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Steven P. Griffin/  
Supervisory Patent Examiner, Art  
Unit 1791

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